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IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1961

No. 391

CHARLES E. LEGGETT and JOHN HENRY ELEVELD,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

On Petition For Writ Of Certiorari To the United States Court of Appeals For the Sixth Circuit

Petition for Rehearing

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Petition for Rehearing

May it please the Court:

Our petition for certiorari was filed and certiorari was denied November 13, 1961.

In our petition for certiorari we sought to apprise the court of the fact that the defendants were convicted on an indictment of two counts charging a violation of Section

2314 and 2, Title 18 of U.S.C. The theory of the government that this crime violates the interstate law is stretching the jurisdiction of the Federal government over local crimes. These goods were bought and sold in Detroit; came to rest in Detroit and could not be construed as being in transit or in interstate commerce. The goods were sold to the National Procurement Company in Detroit. Sold by National Procurement to Acme Limited, in Detroit, and shifted to a different warehouse in Detroit from whence it was shipped to Iowa by the last purchaser. To say that the defendants knowingly took by fraud with the intention of shipping the goods to a buyer across state lines ignores the evidence. The goods laid in the first warehouse for about a month with no buyer in sight.

It is our contention that the Federal authorities have no jurisdiction in this case. Where does the Federal jurisdiction end?

Where does State jurisdiction begin? These questions are paramount in that the illogical reasoning of the Circuit Court of Appeals should be clarified in view of the rule in the *Gordon* case.

We earnestly contend that the record does not support the conviction because no Federal Law was violated and we respectfully urge that Certiorari should be granted.

Respectfully submitted,

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JOSEPH I. BULGER does hereby certify that he is one of the Attorneys for the Petitioners and does further certify that the Petition for rehearing filed in this cause is presented in good faith and not for delay and is restricted to the grounds specified in Rule 58 (2) of the Rules of the Supreme Court, to-wit: to intervening circumstances of substantial or controlling effect and to a substantial ground available to Petitioners though not previously presented.

The Petitioners are at liberty under Bond approved by the Circuit Court of Appeals for the 6th Circuit.

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JOSEPH I. BULGER